IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.MC.No. 5186 of 2003(C)

CC.536/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, TRIVANDRUM

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PETITIONERS/ACCUSED NO. 2 TO 8:

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1. SABU KUMAR N.L., SAJI VIHAR,
NEAR SINDHU THEATRE, VENJARAMOODU P.O.
THIRUVANANTHAPURAM.

2. SANDHYA, SAJI VIHAR,
NR.SINDHU THEATRE, VENJARAMMOODU P.O,
THIRUVANANTHAPURAM.

3. LALITHA, SAJI VIHAR,
NR.SINDHU THEATRE, VENJARAMOODU, P.O.
THIRUVANANTHAPURAM.

4. SINDHU L, SAJI VIHAR,
NR.SINDHU THEATRE, VENJARAMOODU P.O.
THIRUVANANTHAPURAM.

5. SANTHOSH, SATHOSNAM, PADMA NAGAR,
NR.GANAPATHY TEMPLE, EAST FORT,
THIRUVANANTHAPURAM.

6. GIRIJA RAJA KUMAR,
CHANDRAGIRI, QUILON, TAILORING SCHOOL,
ATTINGAL.

7. SREELA REMJU, SANTHOSHAM, PADMA NAGAR,
NR.GANAPATHY TEMPLE, EAST FORT,
THIRUVNANTHAPURAM.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

WP(C) NO: 5186/2003

RESPONDENTS/COMPLAINANT AND STATE:
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1. **SREEJA, D/O. PRASAD, PRASAD HOUSE, VISWAMBHARAM ROAD, PAPPANAMCODE P.O., THIRUVANANTHAPURAM -18.**

2. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 26/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Criminal M.C.No.5186 OF 2003 (C)

Dated this the 26th day of July, 2007

O R D E R

This criminal miscellaneous case is filed under Section 482 of the Code of Criminal Procedure to quash a complaint filed against the petitioner by the 1st respondent alleging an offence under Section 498 A of the Indian Penal Code. 1st respondent married one Sajikumar, 1st accused in the case. Other accused are brothers and sisters and other relatives of the respondent. Divorce petition was pending between 1st accused and the 1st respondent. It is submitted that dispute between accused and the 1st respondent were compromised and they are living together. The allegations prima facie shows that even if they are proved, petitioners herein cannot be convicted under Section 498 A of I.P.C. In these circumstances, since the matter is already settled, we quash Annexure III in so far as petitioners herein are concerned. Accordingly this miscellaneous case is allowed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.Appeal. OF 1998

JUDGMENT

14th March, 2007